



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	James D. Yurko	
Serial	:	10/729,649	
Filed	:	December 5, 2003	Art Unit: 3653
For	:	GATE ASSEMBLY FOR DIVERTING ARTICLES AND THE LIKE	Examiner: J. Rodriguez
Docket No.	:	Y001.PAT-2	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS PAPER
IS BEING SENT BY U.S. MAIL, FIRST
CLASS, TO THE COMMISSIONER FOR
PATENTS, P.O. BOX 1450,
ALEXANDRIA, VIRGINIA 22313-1450,
THIS
7th DAY OF September, 2006.

PATENT ATTORNEY

Sir:

In response to the Notice of Non-Compliant Amendment mailed on August 9, 2006, Applicant submits that the drawings filed on July 26, 2006, are not "Replacement Sheets", "New Sheets", or "Annotated Sheets", as defined by 37 C.F.R. § 1.121(d). Rather, the filed drawings were submitted in support of the Declaration of Prior Invention and the Statement filed with the Amendment on July 26, 2006. Applicant directs the Office to the Statement which specifically states that two (2) sheets of drawings are attached to the Statement.

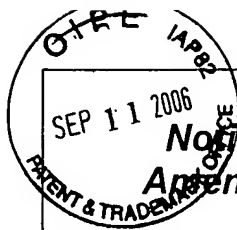
It is believe that the present application is now in condition for allowance. Consideration and allowance of the present application is respectfully requested.

Respectfully submitted,

JAMES D. YURKO

By:

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P.O. Box 1518
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**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/7 29649

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10/11/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Y. W. R. Smith
Legal Instruments Examiner (LIE), if applicable

571 272 6620
Telephone No.